

Attorney's Docket No. 034183/233887

PATENT

PATENT MAINTENANCE
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT MAINTENANCE
DIVISION

In re: Scheuber et al. 2005 OCT -7 PM 4:16
Appl. No.: 09/876,760 Confirmation No.: 2854 2005 OCT -7 PM 4:16
Filed: June 7, 2001 Group No.: 2854
For: METHOD AND APPARATUS FOR PROVIDING TEXT ON PRINTED PRODUCTS
US PATENT & TRADEMARK OFFICE

MAIL STOP 16

Director of the US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

(Improper Charge of Deposit Account)

1. **REFUND REQUEST:** This is a request for a refund of \$330.00, with respect to the charges to Deposit Account 16-0605 for Fee Code 1402, shown on pages 1 and 3 of the enclosed statement dated August 2005, for the above-identified patent application.
2. **EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR:** On September 20, 2004, Applicant filed an Appeal Brief along with the filing fee of \$330.00 (see copy of Transmittal, \$330.00 check, and Postcard Receipt enclosed).

On May 31, 2005, the PTO issued an Order Returning Undocketed Appeal to Examiner indicating that the Appeal Brief had been submitted in an incorrect format.

On August 15, 2005, the Appeal Brief was resubmitted and according to our calculations an additional filing fee of \$170.00 was due and should have been charged to our Deposit Account. It appears that the PTO has erroneously charged our deposit account by an additional \$330.00 for the total filing fees of \$500.00 for submittal of the Appeal Brief.
3. **MANNER OF REFUND:** Please make refund by crediting our Deposit Account No. 16-0605.

Respectfully submitted,

Charles B. Elderkin

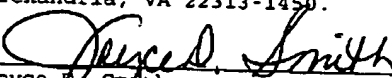
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: MAIL STOP 16, Director of the US Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.



Joyce P. Smith

Date: October 4, 2005

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Deposit Account Statement

Requested Statement Month: August 2005
 Deposit Account Number: 160605
 Name: ALSTON & BIRD LLP
 Attention: BANK OF AMERICA
 Address: 101 SOUTH TRYON STREET
 City: CHARLOTTE
 State: NC
 Zip: 28280-4000
 Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
08/01	1	10437477	038151/232587	2814	\$65.00	\$28,914.00
08/01	1	08239409	3477-74A	1814	\$130.00	\$28,784.00
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08/04	17	10490842	038779/276268	1252	\$450.00	\$61,468.00

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Deposit Account Statement

Page 3 of 6

DATE	TIME	LOCATION	DESCRIPTION	AMOUNT	BALANCE
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08/17	84	11071983		8021	\$40.00

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date Mailed: 9/17/04
Atty. Dkt. No. 034183/233887

Application No. 09/876,760; Filing Date June 7, 2001
Inventor(s): Scheuber et al.; Title of Invention: METHOD AND APPARATUS
FOR PROVIDING TEXT ON PRINTED PRODUCTS
Documents Enclosed: Appeal Brief Transmittal; Appeal Brief
Check Enclosed \$330.00

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Attorney's Docket 034183/233887

PATENT

In The United States Patent And Trademark Office

Appl. No.: 09/876,760

Confirmation No.: 2221

Applicant(s): Scheuber et al.

Filed: June 7, 2001

Art Unit: 2854

Examiner: J. E. Culler

Title: METHOD AND APPARATUS FOR PROVIDING TEXT ON PRINTED PRODUCTS

Docket No.: 034183/233887

Customer No.: 00826

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P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF TRANSMITTAL
(PATENT APPLICATION - 37 C.F.R. § 41.37)

1. Transmitted herewith is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on July 19, 2004.
 2. ☐ Applicant claims small entity status.
 3. Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief is:
 - ☐ small entity \$165.00
 - ☒ other than small entity \$330.00Appeal Brief fee due \$330.00
- ☒ Any additional fee or refund may be charged to Deposit Account 16-0605.

Respectfully submitted,

Charles B. Elderkin
Charles B. Elderkin
Registration No. 24,357

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Joyce D. Smith
Joyce D. Smith

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REF. #	INV. #	DATE	INV. AMT	INVOICE DESCRIPTION	AMOUNT PAID
034183.233887	J Smith	09-17-2004	330.00	034183.233887 - Government Fee for filing Appeal Brief	330.00

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Scheuber et al.

Confirmation No.: 2221

Appl. No.: 09/876,760

Group Art Unit: 2854

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For: METHOD AND APPARATUS FOR PROVIDING TEXT ON PRINTED
PRODUCTS

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Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 CFR § 41.37

This Appeal Brief is filed pursuant to the "Notice of Appeal to the Board of Patent Appeals and Interferences" filed July 19, 2004, and the Order Returning Undocketed Appeal to Examiner mailed May 31, 2005.

(i) **Real Party in Interest.**

The real party in interest in this appeal is Ferag AG, located in Hinwil, Switzerland, the assignee of the above-referenced patent application, as evidenced by the Assignment recorded at Reel 9180, Frame 0650 on May 14, 1998 in parent application 09/078,914 (now Patent No. 6,695,028).

(ii) **Related Appeals and Interferences.**

Appeal No. 2002-2125 was filed in the parent application 09/078,914 on August 22, 2001, and a Decision was rendered on May 23, 2003. The parent application issued as Patent No. 6,695,028 on February 24, 2004. A copy of the Decision rendered May 23, 2003 is included in the Related Proceedings Appendix attached to this Appeal Brief below.

Adjustment Date: 11/18/2005 SDIRETA1
08/17/2005 WABDELRI 00000001 160605 09876760
01 FC:1402 500.00 CR

08/17/2005 WABDELRI 00000001 160605 09876760
01 FC:1402 500.00 DA